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EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## RAJYA SABHA

The following Bills have been introduced in the Rajya Sabha on the 11th February, 2019:—

### I

#### BILL NO. IX OF 2019

*A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950, for inclusion of certain communities in the list of Scheduled Tribes in relation to the State of Arunachal Pradesh.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Tribes) Order (Third Amendment) Act, 2019. Short title.

C.O. 22. 2. In the Constitution (Scheduled Tribes) Order, 1950, in the Schedule, for Part XVIII, the following Part shall be substituted, namely:—

"PART XVIII.—Arunachal Pradesh

All tribes in the State including:—

1. Adi
2. Aka

Amendment of the Constitution (Scheduled Tribes) Order, 1950.

3. Apatani
4. Galo
5. Hrusso
6. Khamba
7. Khowa
8. Mishmi-Kaman (Miju Mishmi), Idu (Mishmi), Taraon (Digaru Mishmi)
9. Monpa, Memba, Sartang, Sajolang (Miji)
10. Nocte, Tangsa, Tutsa, Wancho
11. Nyishi
12. Sherdukpen
13. Singpho
14. Tagin
15. Tai Khamti."

## STATEMENT OF OBJECTS AND REASONS

Scheduled Tribes have been defined in clause (25) of article 366 of the Constitution as such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 to be Scheduled Tribes for the purposes of this Constitution.

2. Article 342 of the Constitution provides as under:—

"342. Scheduled Tribes—(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or group within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification."

3. In accordance with the provisions of article 342, the Constitution (Scheduled Tribes) Order, 1950 relating to list of Scheduled Tribes of various States was initially notified on the 6th September, 1950. The list of Scheduled Castes and Scheduled Tribes for Arunachal Pradesh (then part of the State of Assam, and known as North-East Frontier Agency) was promulgated for the first time, *vide* the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956. Further, the list of Scheduled Tribes of Arunachal Pradesh has been modified through the North Eastern Areas (Reorganisation) Act, 1971, the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002, the Constitution (Scheduled Tribes) Order (Amendment) Act, 2008 and the Constitution (Scheduled Tribes) Order (Amendment) Act, 2011.

4. Presently, there are eighteen communities and synonyms appearing in the list of Scheduled Tribes in the State of Arunachal Pradesh. The Constitution (Scheduled Tribes) (Third Amendment) Bill, 2019 proposes for:—

(i) omission of "Abor" in entry 1 as it is the same as "Adi" in entry 16";

(ii) substitution of "Khampti" at entry 6 by "Tai Khampti";

(iii) substitution of "Mishmi, Idu, Taroan" at entry 8 by "Mishmi-Kaman (Miju Mishmi), Idu (Mishmi), Taroan (Digaru Mishmi);

(iv) substitution of "Momba" at entry 9 by "Monpa, Memba, Sartang, Sajolang (Miji);

(v) substitution of "Any Naga tribes" at entry 10 by "Nocte, Tangsa, Tutsa, Wancho".

5. The amendments have been made in consultation with the State Government of Arunachal Pradesh, the Registrar General of India and the National Commission for Scheduled Tribes.

6. The Bill seeks to achieve the aforesaid objects.

JUAL ORAM.

## FINANCIAL MEMORANDUM

The Bill seeks to amend the Constitution (Scheduled Tribes) Order, 1950, by amending the list of Scheduled Tribes in the State of Arunachal Pradesh.

2. The amendment in the list of Scheduled Tribes relating to the State of Arunachal Pradesh will entail no additional recurring expenditure from the Consolidated Fund of India on account of benefits likely to be provided to the persons belonging to the communities proposed in the Bill. The expenditure will be accommodated within the Annual Plan and non-Plan outlay of the Ministry.

## II

### BILL NO. XII OF 2019

*A Bill to provide for registration of marriage of Non-Resident Indian and further to amend the Passports Act, 1967 and the Code of Criminal Procedure, 1973 and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

#### CHAPTER I

##### PRELIMINARY

**1.** (1) This Act may be called the Registration of Marriage of Non-Resident Indian Act, 2019

Short title,  
extent and  
commencement.

(2) It shall extend to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition.

2. For the purposes of this Act, "Non-Resident Indian" means a citizen of India who resides out of India.

## CHAPTER II

### REGISTRATION OF MARRIAGE OF NON-RESIDENT INDIAN

Registration of marriage of Non-Resident Indian.

3. (1) Every Non-Resident Indian who marries a citizen of India shall get his marriage registered in India under any law for the time being in force (including State Act) within a period of thirty days from the date of his marriage.

(2) Every Non-Resident Indian who marries a citizen of India, or any other Non-Resident Indian, out of India shall get his marriage registered within a period of thirty days from the date of his marriage with the Marriage Officer appointed under section 3 of the Foreign Marriage Act, 1969 within whose jurisdiction the marriage has taken place or solemnized in any manner at the choice of the parties to the marriage. 33 of 1969.

## CHAPTER III

### AMENDMENT TO THE PASSPORT ACT, 1967

Amendment of section 10.

4. In the Passport Act, 1967, in section 10, in sub-section (3), after clause (h), the following clause shall be inserted, namely:— 15 of 1967.

‘(i) if it is brought to the notice of the passport authority that the holder of the passport or travel document is a Non-Resident Indian who has married a citizen of India or a Non-Resident Indian and not registered within a period of thirty days of his marriage under any law for the time being in force;

*Explanation.*—For the purposes of this clause, "Non-Resident Indian" means a citizen of India who resides out of India.'.

## CHAPTER IV

### AMENDMENT TO THE CODE OF CRIMINAL PROCEDURE, 1973

Insertion of new section 86A.

5. In the Code of Criminal Procedure, 1973, after section 86, the following section shall be inserted, namely:— 2 of 1974.

Service of summons, warrants through website and attachment of property.

"86A. (1) Notwithstanding anything contained in this Code or any other law for the time being in force, where a person summoned by a Court under this Code and the Court is satisfied that the summons issued could not be served, the Court may issue summons along with the substance of the information by uploading on the specially designated website of the Ministry of External Affairs of the Government of India and such uploading of the summons shall be conclusive evidence that the summons has been served against that person.

(2) Where the person summoned under sub-section (1) fails to appear before the Court at specified place and time required by the summons, either personally or through his duly authorised agent, the Court may, after making such enquiry as it thinks fit, issue a warrant for arrest of such person and upload the warrant along with the substance of the information against the person to be arrested along with the details of summons issued under sub-section (1) on the specially designated website of the Ministry of External Affairs of the Government of India.

(3) Where the person fails to appear before the Court at the time and place mentioned in the warrant uploaded on the website under sub-section (2), the Court may, after making such enquiry as it thinks fit, pronounce him a proclaimed offender and upload a declaration to that effect on the specially designated website of the Ministry of External Affairs of the Government of India.

(4) After uploading a proclamation under sub-section (3), if the accused fails to appear before the Court issuing such proclamation, a statement in writing by the Court issuing the proclamation to the effect that the proclamation was duly uploaded on the specially designated website of the Ministry of External Affairs of the Government of India shall be conclusive evidence that the warrant has been issued against accused person and shall be deemed to have been duly served.

(5) The Court issuing a proclamation under sub-section (3) may, for the reasons to be recorded in writing, at any time after the issue of the proclamation, order the attachment of any property, movable or immovable, or both belonging to the proclaimed offender.

(6) Where the property attached under sub-section (5) consists of the share or interest of the proclaimed offender in the property jointly belonging to him and other co-owner or co-sharers, such attachment shall have effect only with regard to such share or interest of the proclaimed offender.

## STATEMENT OF OBJECTS AND REASONS

There have been several reports of Indian women being trapped in fraudulent marriages with Non-Resident Indians. This has indeed emphasised the persistent need to build safeguards in order to protect those spouses from such situations. Therefore, it is necessary that the marriage solemnized or otherwise in India or outside India shall be registered within a period of thirty days from the date of marriage. It has been decided to bring in a legislation to provide for compulsory registration of marriage for better enforcement of rights of the deserted spouses under various family laws.

2. Accordingly, the Registration of Marriage of Non-Resident Indian Bill, 2019 proposes to provide for compulsory registration of marriage by a Non-Resident Indian within a period of thirty days from the date of marriage. It also seeks to amend the Passport Act, 1967 and the Code of Criminal Procedure, 1973.

3. The proposed amendment of the Passport Act, 1967 empowers the passport authority to impound or cause to be impounded or revoke a passport or travel document of a Non-Resident Indian, if it is brought to his notice that the Non-Resident Indian has not registered his marriage within a period of thirty days from the date of marriage.

4. The proposed amendments to the Code of Criminal Procedure, 1973 would also empower the Courts for issuance of summons, warrants through the specifically designated website of the Ministry of External Affairs of the Government of India. It further provides for attachment of the properties, both movable and immovable, belonging to a proclaimed offender.

5. The Bill seeks to achieve the above objectives.

SUSHMA SWARAJ.

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DESH DEEPAK VERMA,  
*Secretary-General.*